



ADMINISTRATION

SECTION 1

1.1 Purpose

The purpose of this bylaw is to implement regulations for the use of land, including the surface of the water, the subdivision of land, and the use and location of buildings and structures in Electoral Area 'F' of the Regional District of Nanaimo.

1.2 Other Legislation ¹

1. Nothing contained in this Bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.
2. Where land is within an agricultural land reserve created pursuant to the **Agricultural Land Commission Act** and amendments thereto and if any portion of this Bylaw is in any way contrary to, in conflict with, inconsistent with or repugnant to the **Act**, the **Act** shall prevail.

1.3 Use of Land to Conform to Bylaw

1. From the date of the enactment of this Bylaw, a person shall not use land, including the surface of the water, a building or structure to which this bylaw applies except:
 - a) in accordance with this Bylaw; and
 - b) for the use expressly permitted in this Bylaw.
2. A use that is not expressly permitted in a zone is prohibited.

1.4 Application

1. This Bylaw applies to all lands, including the surface of the water, buildings, and structures within Electoral Area 'F', as shown on Schedule 'B' attached to and forming part of this Bylaw.
2. Without limiting Section 1.3.1, this Bylaw applies to strata lots within a strata subdivision.
3. For the purposes of this Bylaw:
 - a) land within a strata subdivision, including a phased strata plan, shall be considered to be a lot for the purposes of calculating setbacks from lot lines, lot coverage, and density.
 - b) the remainder of land not included within the strata subdivision of a phased strata plan shall be considered a lot.

¹ Bylaw No. 1285.01, adopted April 13, 2004



1.5 Existing Non-Conforming Uses

1. The lawful use of any land, building or structure existing at the time of the adoption of this Bylaw may be continued, where such use does not conform to the provisions of this Bylaw, subject to the provisions for non-conforming uses set out in Section 911 of the **Local Government Act**.
2. A building or structure existing prior to the date of adoption of this Bylaw, which fails to comply with the siting requirements contained in this Bylaw, may be maintained, extended or altered in accordance with Section 911 of the **Local Government Act**.

1.6 Applicable Regulations

1. Where this Bylaw sets out two or more regulations that could apply to a situation, the most restrictive regulation shall apply.
2. Where this Bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.
3. The use of land, buildings and structures within the zones set out in Sections 3 and 4.23 must be in accordance with the general regulations in Section 2 and the regulations table applicable to that zone.

1.7 Severability

If any Section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid, shall not affect the validity of the remaining portions of the Bylaw.

1.8 Violation

Every person who:

- a) violates any provision of this Bylaw;
- b) causes or permits an act or thing to be done in violation to any provision of this Bylaw;
- c) neglects or omits to do anything required by this Bylaw; or
- d) fails to comply with an order, direction or notice made or delivered under this Bylaw;

commits an offence and is liable, upon conviction, to the penalties prescribed under the **Offence Act**.



1.9 Amendment

An application to amend this Bylaw shall be made to the Regional District of Nanaimo. All forms, plans, documents as required in accordance with "Regional District of Nanaimo Development Approval Information Bylaw No. 1165, 1999" and amendments thereto and "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" and amendments thereto shall be provided by the applicant. ¹

1.10 Application Fees

Any application made for amendment or subdivision under this Bylaw will be subject to the "Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002" and amendments thereto. ²

1.11 Notice of Bylaw Amendment

1. Notice of a bylaw amendment that alters the permitted use or density of an area shall be made pursuant to the regulations specified in the **Local Government Act**.
2. A notice of the bylaw amendment shall be mailed or otherwise delivered to property owners and occupiers of properties within 500 metres of the lot or lots subject to the amendment or as specified in "Regional District of Nanaimo Approval Procedures and Notification Bylaw No. 1261, 2002".

1.12 Board of Variance

The Board of Variance of the Regional District of Nanaimo shall hear any appeal of the provisions of this Bylaw, as provided by the **Local Government Act**.

¹ Bylaw No. 1285.01, adopted April 13, 2004

² Bylaw No. 1285.01, adopted April 13, 2004